

Attorney's Docket 021123-0274441

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**OFFICIAL**

In re PATENT APPLICATION of:  
BETTINA MOCKEL ET AL.

Confirmation No: 6847

Application No.: 09/715,035

Group Art Unit: 1652

Filed: November 20, 2000

Examiner: C. Fronda

Title: NOVEL NUCLEOTIDE SEQUENCES ENCODING THE PFKA GENE

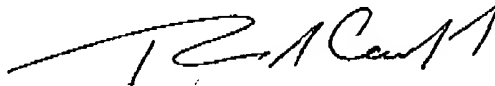
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**CERTIFICATION OF FACSIMILE TRANSMISSION**  
**UNDER 37 C.F.R. §1.8**

I hereby certify that the following papers (total 4 pages including this cover) are being facsimile transmitted to the Patent and Trademark Office at (703) 872-9306 on the date shown below:

Submission of Substitute Inventor Declaration and Power of Attorney.

PILLSBURY WINTHROP LLP



Thomas A. Cawley, Jr., Ph.D.  
Reg. No. 40944

Date: May 28, 2004  
P.O. Box 10500  
McLean, VA 22102  
Telephone: (703) 905-2000  
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TAC:ylw

(Certification of Facsimile Transmission--page 1)

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In re Patent application of

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FOR: NOVEL NUCLEOTIDE SEQUENCES ENCODING THE PFKA GENE

\* \* \* \* \*

May 28, 2004

**SUBMISSION OF SUBSTITUTE INVENTOR DECLARATION  
AND POWER OF ATTORNEY**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed is a Substitute Inventor Declaration and Power of Attorney, which reflects a correction to a typographical error in the priority claim. Please substitute this Declaration for the one currently on file. The issue fee has not yet been paid.

Respectfully submitted,  
PILLSBURY WINTHROP, LLP

By:



Thomas A. Cawley, Jr., Ph.D.  
Reg. No. 41,844  
Tel. No.: (703) 905-2143  
Fax No.: (703) 905-2500

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FOR UTILITY/DESIGN  
CIP/PCT NATIONAL/PLANT  
ORIGINAL/SUBSTITUTE/SUPPLEMENTAL  
DECLARATIONS

RULE 63 (37 C.F.R. 1.63)  
DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PM & S  
FORM

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the INVENTION ENTITLED  
NOVEL NUCLEOTIDE SEQUENCES ENCODING THE PFKA GENE

the specification of which (CHECK applicable BOX(ES))

X A. ☐ is attached hereto.  
BOX(ES) → B. ☒ was filed on November 20, 2000 as U.S. Application No. 09/715,035  
→ C. ☐ was filed as PCT International Application No. PCT/ / on /  
and (if applicable to U.S. or PCT application) was amended on /

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. Except as noted below, I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International Application which designated at least one other country than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International Application, filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing date of this application:

PRIOR FOREIGN APPLICATION(S)	Date first laid-open or Published	Date Patented or Granted	Priority NOT Claimed
Number Country Day/MONTH/Year Filed			
199 56 133.8 GERMANY 23 November 1999			
100 11 922.0 GERMANY 11 March 2000			

If more prior foreign applications, X box at bottom and continue on attached pages.

Except as noted below, I hereby claim domestic priority benefit under 35 U.S.C. 119(e) or 120 and/or 365(c) of the indicated United States applications listed below and PCT International applications listed above or below and, if this is a continuation-in-part (CIP) application, insofar as the subject matter disclosed and claimed in this application is in addition to that disclosed in such prior applications, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of each such prior application and the national or PCT international filing date of this application:

PRIOR U.S. PROVISIONAL, NONPROVISIONAL, AND/OR PCT APPLICATION(S)	Status	Priority NOT Claimed
Application No. (series code/serial no.) Day/MONTH/Year Filed	pending, abandoned, patented	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint Pillsbury Winthrop LLP, Intellectual Property Group, 1100 New York Avenue, N.W., Ninth Floor, East Tower, Washington, D.C. 20005-3918, telephone number (202) 581-3000 (to whom all communications are to be directed), and the below-named persons (of the same address) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to delete names/numbers below of persons no longer with their firm and to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct the above firm and/or a below attorney in writing to the contrary.

Paul N. Kokulis 16773	Paul E. White, Jr. 32011	Stephen C. Glazier 31361	William P. Atkins 38821
Raymond F. Uppitt 17519	Glenn J. Perry 28458	Ruth N. Morduch 31044	Paul L. Sherer 36004
G. Lloyd Knight 17698	Kendrew H. Colton 30368	Richard H. Zaiten 27248	Robin L. Teskin 35030
Kevin E. Joyce 20508	G. Paul Edgell 24238	Roger R. Wise 31204	
George M. Skilla 18221	Lynn E. Eccleston 35861	Michael R. Czerwosky 36787	
Donald J. Bird 25323	Timothy J. Klima 34852	W. Patrick Bengtsson 32458	
Peter W. Gowdey 25872	David A. Jakopin 32895	Jack S. Barucka 37087	
Dale S. Lazar 28872	Mark G. Pautson 30733	Adam R. Hess 41935	

(1) INVENTOR'S SIGNATURE: Bettina Möckel Date: May 17<sup>th</sup> 2004

First	Middle Initial	Family Name
Bettina		MÖCKEL
Residence	City	State/Foreign Country
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Mailing Address	City	State/Foreign Country
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(2) INVENTOR'S SIGNATURE: Walter Pfefferle Date: /

First	Middle Initial	Family Name
Walter		PFEFFERLE
Residence	City	State/Foreign Country
Halle		GERMANY
Mailing Address	City	State/Foreign Country
(include Zip Code)	Jahnstrasse 33, D-33790 Halle, GERMANY	Country of Citizenship

"X" box ☐ FOR ADDITIONAL INVENTORS, and proceed on the attached page to list each additional inventor.  
☐ See additional foreign priorities on attached page (incorporated herein by reference).

Atty. Dkt. No. PM274441  
(M#)

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PRIOR FOREIGN APPLICATION(S)		Date first laid-open or Published	Date Patented or Granted	Priority NOT Claimed
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Paul N. Kokulis	18773	Paul E. White, Jr.	32011	Stephen C. Glazier	31361	William P. Adams	38821
Raymond F. Lippitt	17519	Glenn J. Perry	28458	Ruth N. Morduch	31044	Paul L. Sharer	38004
G. Lloyd Knight	17898	Kendrew H. Colton	30368	Richard H. Zaitlen	27248	Robin L. Taskin	35030
Kevin E. Joyce	20508	G. Paul Edgell	24238	Roger R. Wise	31204		
George M. Sirlita	18221	Lynn E. Eccleston	35861	Michael R. Dzwonczyk	36787		
Donald J. Bird	25323	Timothy J. Kilma	34852	W. Patrick Bengtsson	32458		
Peter W. Gowday	25872	David A. Jakopin	32985	Jack S. Barutka	37087		
Dale S. Lazar	28872	Mark G. Paulson	30793	Adam R. Hess	41835		

## (1) INVENTOR'S SIGNATURE:

Date:

Bettina		MÖCKEL	
First	Middle Initial	Family Name	
Residence	Düsseldorf	GERMANY	GERMANY
City	State/Foreign Country		Country of Citizenship
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## (2) INVENTOR'S SIGNATURE: X

Date: X 05/10/2004

Walter		PFEFFERLE	
First	Middle Initial	Family Name	
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City	State/Foreign Country		Country of Citizenship
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☐ See additional foreign priorities on attached page (incorporated herein by reference).

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